

wherein exposing said multi-layer element to energy causes said multi-layer element to selectively impart deflective forces to a portion of said probe card.

### **Remarks**

Reconsideration of the present application is respectfully requested.

1-3. The Examiner noted applicant's election of species of figure 8 as required in Paper No. 4 (Action dated May 1, 2003). The Examiner further stated that claims 16-18 do not read on the elected species of figure 8, that those claims are therefore withdrawn from consideration, that was no allowable generic or linking claim, and that election was made *without* traverse in Paper No. 5.

However, in his election in Paper No. 5, applicant stated, "[a]ll eighteen (18) claims read on the elected species." In fact, claims 16-18 depend from independent claim 13, which reads on the elected species of figure 8. Claims 16-18 are thus linked to a generic claim that reads on figure 8 and other figures. Applicant respectfully requests that the withdrawal of claims 16-18 be withdrawn.

4. The abstract of the disclosure stands objected to as using legal phraseology such as "The present invention." The abstract has been amended.

5. Claims 1-18 stand rejected under 35 U.S.C. § 112 as being indefinite, the Examiner stating that the meaning and presence of several terms and phrases are not clear. Response will be provided serially for each as cited by the Examiner:

a. Regarding claim 1, the Examiner stated that it is unclear what "a prober" represents and what a prober includes. A prober is known in the art as a tester, that is, a

device in which a die is tested. For example, the Examiner cited U.S. Patent No. 6,140,828 to Iino et al., which refers throughout to the prober and its use to test the electrical characteristics of an integrated circuit (a die). As to what a prober comprises, the '828 patent and U.S. Patent No. 5,974,662, which was incorporated by reference into the instant application, both the various elements of a prober are described and shown. In the present application, although well shown in the incorporated '662 patent, elements of a prober helpful to the understanding of the invention are shown, such as the head plate 120, probe card 110, wafer chuck 150 and table actuator 155. Attention is also directed to Fig. 11 and the description directed thereto beginning at the top of page 19. Claim 1 is believed to be allowable under 35 U.S.C. 112.

b. Also regarding claim 1, the Examiner stated that it is unclear what "means for transmitting energy" represent. Persons skilled in the art would understand means, a device or an element for transmitting energy as one that transmits, delivers or produces energy. Several non-limiting examples are provided at page 12, beginning at line 2 ("e.g. four rectangular heaters"), and in the next paragraph ("a Peltier device" and "a piezoelectric device"). These are intended to be examples only, and it is clearly contemplated that any device that imparts energy to the particular element, which would in turn cause a temperature change in that element, is what is intended. Claim 1 is believed to be allowable under 35 U.S.C. 112.

c. Regarding claim 3, the Examiner stated that it is unclear what "optical sensor" represents. Persons skilled in the art would understand an optical sensor to mean a sensor that operates using optics, as opposed to other sensing mechanisms. Reference

to examples of monitoring the actual distance between probe card 110 and wafer 140 are provided on page 17 of the application and include optical sensors (lasers or cameras), as well as non-optical sensors (e.g. pressure and capacitive). The configuration, characteristics and operation of all such recited sensors are well known in the art. Such known sensor(s) is not specifically shown in the elected species of figure 8, but will be added if deemed helpful to clarify its existence. Claim 3 is believed to be allowable under 35 U.S.C. 112.

d. Regarding claim 5, the Examiner stated that it is unclear what “means for data communication” represents. Persons skilled in the art would understand means for data communication to mean any means, system or element for transmitting and receiving data. The present application refers throughout to numerous means for data communication. For example, and without limitation, data communication means in one embodiment are recited at page 20, lines 11-13 to contemplate “wired connections, RF transmissions, light or other energy beam transmissions and the like.” Claim 5 is believed to be allowable under 35 U.S.C. 112.

All of claims 1, 3 and 5, as well as the remaining claims depending from independent claim 1, are believed to be allowable under 35 U.S.C. 112.

No basis for rejection of independent claim 13 and its dependent claims 14 –18 has been provided, and rejection of claims 13-18 is respectfully requested to be withdrawn.

In view of the amendments and remarks presented herein, claims 16-18 are requested to be reinstated, all claims 1-18 are believed to be in a condition for allowance, and action in

accordance therewith is respectfully requested. If the Examiner believes any issues remain that may be resolved by telephone, he is invited to contact the applicant's undersigned representative.

Respectfully Submitted,

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